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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,434	11/07/2001	Spencer Lambert	1405.ACT1.NP	9951

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EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/05/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/045,434

**Applicant(s)**

LAMBERT ET AL.

**Examiner**

Kiet Doan

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

Page 6, Paragraph 20, lines 4 "System includes a cordless telephone 10", and page 7, paragraph 23, lines 2-3 "The telephone base unit 10", line 5 "distance from the base unit 10". Cordless telephone and base unit cannot be the same number 10. Appropriate correction is required.

Page 15, Paragraph 42, 43, 44 that statement with number 60, 70, and 90 are not support in Fig.1-3. Appropriate correction is required.

### ***Drawings***

The drawings are objected by the draftsperson under 37 CFR 1.84 Character of line, number, letters and in Fig. 3 show No.78 and No.78a are on the same line. Correction drawings are required.

### ***Claim Objections***

Claims **4, 5, 7-10** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**1. Claims 1-4, 6-19, 21-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Chien et al. (Patent No. 6,308,062).

Consider **claim 1**, Chien disclosed a remote target control system comprising: a telephone (Col 1, lines 55-60, Col 2, lines 40 –42, Fig.1 teach portable device generates control means as such remote target control) an interface disposed in communication with the telephone (Col 2, lines 1-10 teach interface) and a computer disposed in communication with the interface and at least one target for selectively actuating a target in response to signals received from the telephone (Col 2, lines 50-61 teach computer communication with telephone).

Consider **claims 2 ,12 and 21**, Chien disclosed the remote target control system wherein the telephone comprises a cordless handset and a base unit (Col 2, lines 42-43, Col 5, lines 45-49, Fig.1 No.15 teach cordless, handset and base unit).

Consider **claim 3**, Chien disclosed the remote target control system further comprising a controller disposed in communication with the computer and the interface for actuating at least one target (Col 1, lines 59-65, Col 2, lines 62-66 teach the control communication with computer and interface).

Consider **claim 4**, Chien disclosed the remote control target system wherein the interface communicates with the controller, and wherein the controller communicates with the computer (Col 4, lines 22-26, lines 35-37 teach interface and controller communicates with each other).

Consider **claim 6**, Chien disclosed a remote target control system comprising: a cordless telephone(Col 1, lines 55-60, Col 2, lines 40 –42, Fig.1 teach portable device generates control means as such remote target control and cordless telephone) and a target range device disposed in communication with the cordless telephone a responsive to signals generated by use of the cordless telephone to selectively actuate targets (Col 3, lines 5-11, lines 23-30 teaches target ranging and communicates with cordless).

Consider **claim 7**, Chien disclosed the remote control system further a comprising an interface disposed in communication with the cordless telephone and the target range device (Col 2, lines 65-67, Col 3, lines 1-8 teach interface with cordless and target range).

Consider **claim 8**, Chien disclosed the remote control system further comprising a controller disposed in communication with the interface and configured to send signals for actuating targets (Col 4, lines 64-67 teach controller communicates with interface).

Consider **claim 9**, Chien disclosed the remote control system further comprising a computer disposed in communication with the interface (Col 4, lines 35-37 teach computer communication with interface).

Consider **claim 10**, Chien disclosed the remote control system wherein the computer is programmed to run programs for actuating targets (Col 5, lines 61-67 teach computer program) and wherein signals from the telephone override the computer (Col 6, lines 6-7 teach telephone override).

Consider **claim 11**, Chien disclosed a remote target control system comprising: a telephone (Col 1, lines 55-60, Col 2, lines 40 –42, Fig.1 teach portable device generates control means as such remote target control and telephone) a controller disposed in communication with the telephone; and a plurality of target range devices disposed in communication with the controller and responsive to signals conveyed by the controller (Col 4, lines 22-26, lines 39-48 teach target ranging and communicates with controller).

Consider **claim 13**, Chien disclosed the remote target control system wherein the controller comprises a touch tone decoder (Col 5, lines 35-37 teach pressing button means as such touch tone decoder).

Consider **claim 14**, Chien disclosed the remote target control system wherein the interface comprises an analog circuit (Col 3, lines 15-22 teach analog).

Consider **claim 15**, Chien disclosed the remote target control system further comprising a computer disposed in communication with the controller (Col 2, lines 50-61 teach computer/controller).

Consider **claim 16**, Chien disclosed the remote target control system further comprising an interface disposed between the telephone and the controller (Col 2, lines 65-67, Col 4, lines 60-67 teach interface with telephone and controller).

Consider **claim 17**, Chien disclosed a method for actuating a target, the method comprising; pressing a key on a telephone to develop a signal (Col 4, lines 28-30, Col 5, lines 35-37 teach pressing on telephone/signal) conveying the signal to a controller and actuating a target responsive to the signal received by the controller (Col 2, lines 5-10, Col 5, lines 37-42 teach controller received signal).

Consider **claim 18**, Chien disclosed the method wherein the method further comprises passing the signal through an interface (Col 4, lines 50-54 teach transmitting signal means as such passing/ signal through wireless interface).

Consider **claim 19**, Chien disclosed the method wherein the method comprises conveying the signal to a computer (Col 5, lines 31-34 teach intelligent agent provides access to computer means as such signal to computer).



Consider **claim 22**, Chien disclosed the method wherein the controller has a plurality of lines disposed in communication with a plurality of targets and wherein the controller sends a signal over a specific line responsive to the signal generated by the telephone (Col 5, lines 61-67, Col 6, lines 1-10, Fig.7 teach controller communicates and sends signal generated by telephone).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **5 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien et al. (Patent No. 6,308,062) in view of Detering (Application for Canada CA 2100631A).

Consider **claim 5**, Chien disclosed all of the claimed limitation as above, but fail to teach the remote control target system herein the computer runs a predetermined program for actuating computers, and wherein the telephone is usable to override the predetermined program. In an analogous art, Detering teaches “ Method for Remotely Overriding of Program or File Access Passwords From a Telephone Instrument”. Further, Detering teaches the remote control target system herein the computer runs a predetermined program for actuating computers, and wherein the telephone is usable to override the predetermined program (Abstract, lines 1-3, page 2, lines 14-25 teach using telephone to override computer).

Therefor, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to included, within Chien system, telephone override computer, as taught by Detering to modify the system that give the users convenient/suitable to link between telephone and computer.

Consider **claim 20**, Detering teaches the method wherein the computer runs a target control program and wherein the signal overrides the target control program (Page 4, lines 1- 15 teach communicated by voice or telephone link, as skill in the art telephone provide means send out signal to overrides control program).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

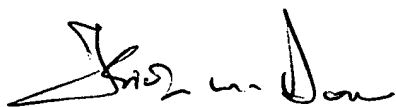
- |                     |                      |
|---------------------|----------------------|
| 1. Liukkonen et al  | Patent No. 6,230,214 |
| 2. Parulescu et al. | Patent No. 5,802,460 |
| 3. Macor            | Patent No. 6,463,299 |
| 4. Flint et al.     | Patent No. 6,289,213 |
| 5. Peterson et al.  | Patent No. 6,728,546 |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 703-305-4749.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan

Patent examiner



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600